

REMARKS

Claims 1, 3, 4, 5, and 8 have been amended and claims 9-16 have been added to place the application in better condition for allowance.

The Examiner rejected claims 1-8 as anticipated by Markham, U.S. Patent No. 1,825,912 and Applicant again respectfully disagrees. The Examiner contends that the shore head disclosed in Markham can be removed from a shoring post by hand, yet the Markham patent specifically states that “[t]he plate 14 projects downwardly beyond the lower end of the bracket and is formed with a head 18 which is adapted to receive blows of a hammer to drive the plate into clamping relation to the beam or to release the same therefrom..” (Markham, lines 62-67). Applicant’s claims have been amended to specifically claim a hand-releasable shore head. According to § 2131 of the M.P.E.P., a claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art claim. *See also Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). The hand-releasable element of Applicant’s claims is not expressly found in the Markham patent. Additionally, the hand-releasable element is not inherently described in the Markham patent, as Markham specifically discloses a shore head that must be attached or removed from a shoring post using a hammer. Accordingly, Markham does not anticipate Applicant’s claims as Markham does not describe each and every element of Applicant’s claims.

Furthermore, the Examiner contends that Markham shows a channel formed by opposing L-shaped extension. Applicant respectfully disagrees. The claims have been amended to indicate that the L-shaped extensions form a C-shaped channel for capturing the base plate of the shoring apparatus. Markham does not describe any such C-shaped channel that slides onto the

base plate of a shoring post. Accordingly, Markham does not anticipate every element of Applicant's invention.

Also, the addition of claims 9-16 also eliminates any possibility of anticipation by Markham, as the new claims include the support assembly in addition to the U-head assembly. Markham does not include a support assembly in its disclosure, only a shoring head. The Markham patent does not disclose every element of the present application, and does not support an anticipation rejection under 35 U.S.C. § 102.

Examiner also rejected claims 1-8 as anticipated by Abraham, U.S. Patent No. 4,763,878. The Abraham patent does not disclose a shore head that can be slid onto a shoring post. Instead, the components described in Abraham are attached using a bolt system. Abraham also does not disclose a latch as claimed by Applicant. A nut and bolt system does not have a tongue as required in the latching system claimed by Applicant.

Applicant's claims specifically state that the claimed U-head assembly slidably engages with the base plate of a support assembly. The wall-jacking invention disclosed in Abraham is not for use in shoring and a shoring apparatus is not expressly described in the Abraham patent, nor is it inherent in Abraham. Also, claims 9-16 specifically claim the support assembly and the support assembly is not described in Abraham. Accordingly, Abraham does not describe each and every element claimed by Applicant and a § 102 rejection cannot stand.

The claims of the present application have been amended to more distinctly point out the inventiveness of the application and to place the application in better position for appeal. Accordingly, the purpose of the claimed invention is not taught nor anticipated by the cited references. The cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention or disclose the present application

in full; therefore, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes itself over the prior art, including the cited art merely of record.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Kent A. Herink, Applicants' Attorney at 515-288-2500 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date



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